

Message Text

UNCLASSIFIED

PAGE 01 SALVAD 00078 071901Z
ACTION SCS-05

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FOR SCS

E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABOARD

REF: STATE 147704

FOLLOWING ARE THE ANSWERS OBTAINED BY THIS POST TO QUESTIONS UNDER
PARAGRAPH 2 OF REFTEL:

A. YES. PUBLIC (GOVERNMENT-FUNDED) ASSISTANCE IS RENDERED TO ANY
NATIONAL OR FOREIGNER WHILE IN BRAZIL IF HE HAS NO MEANS TO PAY FOR
A PRIVATE LAWYER OR NO LAWYER IN JURISDICTION WHERE HE IS BEING TRIED
WILL ACCEPT HIS CASE PRIVATELY. AS A GENERAL RULE, UNDER BRAZILIAN
LAW NO ONE IN THIS COUNTRY (FOREIGNER OR NATIONAL) CAN BE TRIED
WITHOUT THE LEGAL COUNSEL OF A QUALIFIED PROFESSIONAL.

B. YES. UPON PROOF OF INABILITY TO PAY FOR PRIVATE COUNSEL OR WHEN
NO LAWYER WILL ACCEPT CASE PRIVATELY, THE JUDGE UNDER WHOM THE CASE
IS BEING PROCESSED WILL IMMEDIATELY DESIGNATE A PUBLIC DEFENDER
(DEFENSOR DATIVO) TO ASSIST THE DEFENDANT.

C. IN GENERAL, THE QUALITY OF THE SERVICES DO NOT DIFFER MUCH
BETWEEN PUBLIC AND PRIVATE DEFENDERS SINCE IN BOTH CASES THE SERVICES
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ARE RENDERED BY PROFESSIONALS.
MARSHALL

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Message Attributes

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